

10/018551 #2

JC07 Rec'd PCT/PTO 20 DEC 2001

PATENT  
ATTORNEY DOCKET NO. 047714-5001-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|   |   |                            |
|---|---|----------------------------|
| In re Application of:                                   | ) |                            |
|   | ) |                            |
| David M. LONG et al.                                    | ) |                            |
|   | ) |                            |
| Application No.: Unassigned                             | ) | Group Art Unit: Unassigned |
|   | ) |                            |
| U.S. Filing Date: December 20, 2001 based on            | ) | Examiner: Unassigned       |
| PCT/US99/15129, International Filing Date: July 2, 1999 | ) |                            |
|   | ) |                            |
| For: IN VIVO ADDITION OF TELOMERIC                      | ) |                            |
| REPEATS TO EXOGENOUS DNA                                | ) |                            |
| GENERATES EXTRACHROMOSOMAL                              | ) |                            |
| DNAs IN THE FUNGUS PESTALOTIOPSIS                       | ) |                            |

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage in an international application.

A copy of each listed document is attached. Applicants respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

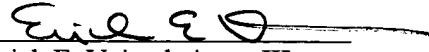
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

  
Erich E. Veitenheimer, III  
Reg. No. 40,420

Dated: December 20, 2001  
MORGAN, LEWIS & BOCKIUS LLP  
1800 M Street, N.W.  
Washington, D.C. 20036-5869  
(202) 467-7000

10/018551

**INFORMATION DISCLOSURE CITATION**Attorney Docket No.  
047714-5001

Application No.

JO. Rec'd PCT/PTO 20 DEC 2001

(Use several sheets if necessary)

Applicants: David M. LONG et al.

PAGE 1 of 1

PTO Form 1449

Filing Date: December 20, 2001

Group Art Unit: Unassigned

**U.S. PATENT DOCUMENTS**

| *Examiner<br>Initial | Document<br>Number | Date | Name | Class | Sub<br>Class | Filing Date |
|----------------------|--------------------|------|------|-------|--------------|-------------|
|                      |                    |      |      |       |              |             |
|                      |                    |      |      |       |              |             |
|                      |                    |      |      |       |              |             |
|                      |                    |      |      |       |              |             |

**FOREIGN PATENT DOCUMENTS**

| Document<br>Number | Date | Country | Class | Sub<br>Class | <u>Translation</u><br>YES NO |
|--------------------|------|---------|-------|--------------|------------------------------|
|                    |      |         |       |              |                              |
|                    |      |         |       |              |                              |
|                    |      |         |       |              |                              |

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

|  |  |
|--|--|
|  | J. P. Javerzat et al., "Isolation of Telomeric DNA From the Filamentous Fungus Podospora Anserina and Construction of a Self-Replicating Linear Plasmid Showing High Transformation Frequency". Nucle. Acids Res., vol. 21, no. 3, 1993, pgs. 497-504. |
|  | D. M. Long et al., "In Vivo Addition of Telomeric Repeats to Foreign DNA Generates Extrachromosomal DNAs in the Taxol-Producing Fungus Pestalotiopsis Microspora". Fungal Genet. Biol., Vol. 24, August 1998, pgs. 335-344.                            |
|  | William A. Powell, "In Vivo Rearrangement of Foreign DNA BY Fusarium Oxysporum Produces Linear Self-Replicating Plasmids". J. Bacteriol., vol. 172, no. 6, 1990, pgs. 3163-3171.   |
|  | M.D. Garcia-Pedrajas et al., "A Homologous and Self-Replicating System for Efficient Transformation of Fusarium Oxysporum". Curr. Genet., vol. 29, no. 2, January 1996, pgs. 191-198.  |
|  | National Science foundation Grant No. 9724999. "SGER: Efficient Extrachromosomal Replication of Exogenous DNA by a Filamentous Fungus, 1997.   |
|  | International Search Report mailed January 11, 2000.   |

|          |                 |
|----------|-----------------|
| Examiner | Date Considered |
|----------|-----------------|

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.